

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3446 of 1996

ORAL ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to act in accordance with law and abide by the settlement entered into by the second respondent with the first petitioner dated 6.7.1990 and allow the benefit of enhanced/additional dearness allowance to the staff and workers of the second respondent federation and other district unions with effect from 1.7.1995 as per G.O.Ms.No.269 dated 7.12.1995 with all consequential benefits.

The grievance of the petitioner seems to be that a memorandum of settlement was entered into between the second respondent Federation and first petitioner union on 6.7.1990 under Section 12(3) of the Industrial Disputes Act, 1947 (for short 'the Act'). As per the said settlement, the workers are entitled to certain benefits. The settlement also contemplates that federation should implement the Government revised pay scales of 1986 and to continue to implement in future in respect of pay scales and allowances whenever Government revised. The grievance of the petitioner is that after entering into settlement under Section 12(3) of the Act, the Government has enhanced the pay scales of its employees, therefore, the same has to be applied *mutatis mutandis* to the petitioners also and such a course was not adopted. On the other hand, the respondents have taken a plea that the said agreement is valid only for five years from 6.7.1990.

The learned counsel for petitioner contended that under Section 17 of the Act, the agreement entered into under Section 12(3) of the Act, even if the term is expired, unless and until it is repudiated by way of notice, or separate agreement is entered into, it will be in force.

In view of the above, without expressing any opinion on merits, the

respondents are directed to abide by the settlement entered into by the second respondent with the first petitioner union dated 6.7.1990 and allow the benefits of enhanced/additional dearness allowance to the staff and workers of second respondent-Federation with effect from 1.7.1995 as per G.O.Ms.No.269 dated 7.12.1995 with all consequential benefits, provided the settlement entered into on 6.7.1990 is still in force and as per law.

The writ petition is accordingly allowed. No order as to costs.

C.V.RAMULU, J

Date: 5.2.2007

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**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3446 of 1996

Date: 5th February, 2006

Between:

A.P.Dairy Development Corporation Staff
and Workers Union, rep. by its General Secretary
and others.

.. Petitioners

And

Govt. of A.P., rep. by its Prl. Secretary,
Fisheries and Animal Husbandry Department,
and others.

.. Respondents

